C.L.R. No. 90 of 2004

Hon. P.C. Pant, J.

Heard learned counsel for the revisionist and perused the impugned order.

The defendant/revisionist has filed this revision against the finding given by the trial court on issue no. 4 in civil suit no. 46 of 2000 by Civil Judge (Sr. Division), Almora. The said issue pertains to insufficiency of valuation of suit and payment of court fee.

The impugned order shows that the said issue was decided in negative on 18.09.2004 after hearing the parties. Learned trial court has observed in the finding that the plaintiff has valued Rs. 15 lakh of the building, standing in the land in dispute and for the relief of injunction , the highest court fee payable Rs. 500/- is paid by the plaintiff. In respect of the relief of the cancellation of the sale deed regarding land in suit, on the consideration i.e. Rs. 95,400/-, the suit has been valued at market value of the land on which Rs. 7,510 has been paid as the court fee, which appears to be appropriate in view of the consideration mentioned in the sale deed.

In the facts and circumstances, there appears no jurisdiction error in the impugned order, which requires interferences under section 115 of the Code of Civil Procedure, 1908.

Therefore, the revision is dismissed summarily without expressing any opinion as to the final merits of the case.

(P.C. Pant, J.)

Dt. 16.12.2004

SJ